

REMARKS

This paper is responsive to the Office Action dated July 24, 2009 wherein claims 12-30 were rejected. Claims 12-30 remain pending in this application. In view of the following remarks, Applicants request further examination and reconsideration of the present patent application.

35 USC §103

In the Office Action, claims 12-30 were rejected under 35 USC §103(a) as being unpatentable over Shih et al. (US Patent Application Publication 2005/0152504, hereinafter "Shih") in view of Bruno DeMan (US Patent No. 7,023,951, hereinafter "DeMan"). As discussed below, Applicants hereby request removal of DeMan from consideration in accordance with 35 USC §103(c) and M.P.E.P §706.02(l), because the present application and DeMan were, at the time the invention was made, owned by, or subject to an obligation of assignment to, General Electric Company. Upon removal of DeMan all rejections based on DeMan are moot.

Request Removal of Commonly Assigned Reference under 103(c)/102(e)

In response to the Office Action, the Applicants respectfully submit that DeMan should be removed from consideration in accordance with 35 USC §103(c) and M.P.E.P §706.02(l), because the present application and DeMan were, at the time the invention was made, owned by, or subject to an obligation of assignment to, General Electric Company. Applicants affirm that Bruno DeMan, the inventor named in DeMan contributed any common subject matter to the present application. Applicants wish to submit an affidavit of Bruno DeMan under 37 C.F.R. §1.132 declaring that any invention disclosed but not claimed in the DeMan reference was derived from the co-inventor of the present application and is therefore not the invention by "another." Applicants are in the process of the getting the affidavit executed by the co-inventor Bruno DeMan. The executed affidavit would be submitted at the earliest after submitting the present response.

Thus, it is respectfully requested that the rejection of claims 12-30 under 35 USC §103(a) be withdrawn.

Application No. 10/813,758
Reply to Office Action of 07/24/2009

Summary

For the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Examiner believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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